THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23180 of 2005

Dated:24.07.2007

Between
No.14473684-N HAV/Cook
Mariasingam

.....Petitioner

and

1. The Union of India rep., by its Secretary, Ministry of Defence, South Block, New Delhi and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23180 of 2005

ORDER:

This writ petition has been filed seeking a Mandamus to declare the action of 5th respondent in rejecting the petitioner's claim to medical/disability pension @ 85% as assessed by the Invalidating Medical Board duly constituted by the Army Authorities, as arbitrary and illegal.

It appears that while serving the army, the petitioner suffered some injury and became disabled. According to him, he is entitled for 85% of the disabled pension, apart from regular pension. But his case was rejected for

grant of disability pension.

There is no necessity to go into all the details.

It appears that during pendency of the writ petition, the appeal field by the petitioner before the Medical Board was taken up and it was decided that the petitioner is entitled to disability pension @ 75% for two years with effect from 17.11.2003 in terms of Para 7.2 of Government of India, Ministry of Defense letter No.1 (2)/97/D(Pen-C) dated 31st January, 2001.

In view of the same, nothing survives in this writ petition for adjudication. Therefore, the same is liable to be closed.

Writ petition is accordingly, closed. No costs.

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24-07-2007

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